

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

GEORGE L. PETTY and	)	
STEVEN L. PETTY,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	1:12CV162
	)	
JOSEPH N. CROSSWHITE,	)	
THEODORE S. ROYSTER, DONNA S.	)	
STROUD, MARTHA A. GEER,	)	
CRESSIE H. THIGPEN, JR.,	)	
BARBARA JACKSON, and CITY OF	)	
KANNAPOLIS,	)	
	)	
Defendants.	)	

**ORDER**

This matter is before this court for review of the Memorandum Opinion and Recommendation ("Recommendation") filed on February 28, 2013, by the Magistrate Judge in accordance with 28 U.S.C. § 636(b). (Doc. 27.) In the Recommendation, the Magistrate Judge recommends that Defendants' motions to dismiss based on the Rooker-Feldman doctrine (Docs. 11, 18) be granted, that should the court adopt this Recommendation, the Magistrate Judge recommends that Plaintiffs' motion for summary judgment (Doc. 22) be dismissed as moot, and that this action be dismissed pursuant to Fed. R. Civ. P. 12(b)(1) for lack of

subject matter jurisdiction. The Recommendation was served on the parties to this action on March 1, 2013. Plaintiffs filed timely objections (Doc. 29) to the Recommendation.

This court is required to "make a de novo determination of those portions of the [Magistrate Judge's] report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the [M]agistrate [J]udge. . . . [O]r recommit the matter to the [M]agistrate [J]udge with instructions." Id.

This court has appropriately reviewed the portions of the Recommendation to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation. This court therefore adopts the Recommendation.

**IT IS THEREFORE ORDERED** that the Magistrate Judge's Recommendation (Doc. 27) is **ADOPTED**. **IT IS FURTHER ORDERED** that the Motion to Dismiss based on the Rooker-Feldman doctrine filed by Defendants Joseph N. Crosswhite, Theodore S. Royster, Donna S. Stroud, Martha A. Geer, Cressie H. Thigpen, Jr., and Barbara Jackson (Doc. 11) and the Motion to Dismiss based on the Rooker-Feldman doctrine filed by Defendant City of Kannapolis (Doc. 18)

are **GRANTED** and that Plaintiffs' motion for summary judgment (Doc. 22) is **DISMISSED AS MOOT**.

**IT IS FURTHER ORDERED** that this action is dismissed pursuant to Fed. R. Civ. P. 12(b)(1) for lack of subject matter jurisdiction. A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 29th day of March, 2013.

  
United States District Judge